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10/669,802	09/25/2003	Kuniko Yamasaki	C14-16174IM/ISI	5442

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EXAMINER	
PENDLETON, DIONNE	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/669,802	YAMASAKI ET AL.	
	Examiner	Art Unit	
	DIONNE H. PENDLETON	2627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _____.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-7 and 10-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-7 and 10-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1,3,5,7,10-12 and 13-20 are rejected under 35 U.S.C. 102(e) as being anticipated by **Yasuhara Pub. No. US 2003/0053638 A1.**

Regarding claim 1,

In **Figure 9,** Yasuhara teaches an acoustic device comprising: a plurality of sound sources (see *paragraph [0054]);*

a first output unit (10,11) for outputting sound based on sound signals from the sound sources;

a first operation unit capable of turning on a power supply to the acoustic device (see "21" in figure 9);

and a second output unit (12,13) for outputting sound based on sound signals from the sound sources,

a second operation unit capable of turning on the power supply to the acoustic device (para [0057] teaches that when a DVD is inserted into DVD player "4", the rear system is turned on, thus reading DVD player "4" as the "second operation unit"; additionally para [0047] teaches that "22" in figure 1 also operates to activate the rear system of the audio device, therefore also reading on the "second operation unit");

a mode setting unit (*" 23" operates to change the operating mode of the acoustic device*) responding to a predetermined operation for switching and setting a first mode, in which the sound based on the sound signals from one of the sound sources are output from the first output unit (see "front control mode" in paragraph [0051]),

and a

second mode, in which while the sound based on the sound signals from one of the sound source are being output from the first output unit (10), the sound based on the sound signals from another sound source are output from the second output unit (12,13; see para [0122]), as well as paragraph [0013]);

a control unit ("80" in figure 9) for controlling the mode setting unit (23) to set the first mode or the second mode when the power supply to the acoustic device is turned on by the first operation unit,

and controlling the mode setting unit (23) to set the second mode and

controlling the first output unit to be in a muted state when the power supply to the acoustic device is turned on by the second operation unit (22) (para [0122] teaches that If the rear system is turned on with the press of the rear power switch **22** in the 4-

speaker state and the rear audio source is different from the front audio source, the two rear speakers **11** are disconnected, i.e., "muted", thus implementing a 2-speaker state in which only the two front speakers 10 are connected to the front audio source).

Regarding claim 3,

In **Figure 9,** Yasuhara teaches an acoustic device comprising: a plurality of sound sources *(see paragraph [0054]);*

a first output unit (10,11) for outputting sound based on sound signals from the sound sources, including a first switch which is capable of turning on a power supply to the acoustic device;

and a operation unit (21) which is capable of turning off the power supply to the acoustic device;

and a second output unit (12,13) for outputting sound based on sound signals from the sound sources,

a mode setting unit (*" 23" operates to change the operating mode of the acoustic device*) setting either one of a first mode, in which the sound based on the sound signals from one of the sound sources are output from the first output unit (see "front control mode" in paragraph [0051]),

and a

second mode, in which while the sound based on the sound signals from one of the sound source are being output from the first output unit (10), the sound based on

the sound signals from another sound source are output from the second output unit (12,13; see para [0122]), as well as paragraph [0013]);

an external connection unit (6) for externally connecting an electronic device (4) which is capable of turning on a power supply to the acoustic device (para [0057] teaches that when a DVD is inserted into DVD player "4", the rear system is turned on, thus reading DVD player "4" as the "electronic device"; additionally para [0047] teaches that "22" in figure 1 also operates to activate the rear system of the audio device, therefore also reading on the "electronic device");

and

a control unit (80), for controlling the mode setting unit to set the first mode or the second mode when the power supply to the acoustic device is turned on by the operation unit, and controlling the mode setting unit to set the second mode and controlling the first output unit to be in a muted state when the power supply to the acoustic device is turned on by the electronic device (para [0122] teaches that If the rear system is turned on with the press of the rear power switch **22** in the 4-speaker state and the rear audio source is different from the front audio source, the two rear speakers **11** are disconnected, i.e., "muted", thus implementing a 2-speaker state in which only the two front speakers 10 are connected to the front audio source).

Regarding claim 5,

In *paragraph [0042-0043]*, Yasuhara teaches an acoustic device according to claim 3, wherein the power ON demand signal obtained through the external connection

unit is output from the electronic device in response to the power ON of the electronic device.

Regarding claim 7,

In *paragraph [0057],* Yasuhara teaches an acoustic device according to claim 3, wherein the power ON demand signal obtained through the external connection unit is output from the electronic device in response to the insertion of a recording medium into the electronic device.

Regarding claim 10,

In *paragraph [0041],* Yasuhara teaches an acoustic device according to claim 1, wherein the control unit causes a display unit to display power ON information indicating that the power source is turned ON, when the power source of the acoustic device is turned ON in the second mode while the power source is OFF.

Regarding claim 11,

In *paragraph [0041],* Yasuhara teaches an acoustic device according to claim 3, wherein the control unit causes a display unit to display power ON information indicating that the power source is turned ON, when the power source of the acoustic device is turned ON in the second mode while the power source is OFF.

Regarding claim 12,

Yasuhara teaches an acoustic device according to claim 10, further comprising: a last information storage unit for storing, when the power source of the acoustic device is turned OFF, the sound source information relating to the sound source of the sound based on the sound signals being output by the first output unit just before the OFF of the power source, as last sound source information, *see paragraph [0058],*

wherein *paragraph [0094-0095]* teach that the control unit causes the display unit to display the last sound source information stored in the last information storage unit, as the power ON information, when the power source is turned ON in the second mode while the power source is OFF.

Regarding claim 13,

Yasuhara teaches an acoustic device according to claim 11, further comprising: a last information storage unit for storing, when the power source of the acoustic device is turned OFF, the sound source information relating to the sound source of the sound based on the sound signals being output by the first output unit just before the OFF of the power source, as last sound source information, *see paragraph [0058],*

wherein *paragraph [0094-0095]* teaches that the control unit causes the display unit to display the last sound source information stored in the last information storage unit, as the power ON information, when the power source is turned ON in the second mode while the power source is OFF.

Regarding claim 14,

Yasuhara teaches a vehicular audio system, comprising:

A body device ("88" in figure 9) arranged on a front side of a vehicular compartment, *as broadly claimed;*

a plurality of sound sources (see *paragraph [0054]);*

a front operation unit for operating the body device and turning on a power supply to the body (see "21" in figure 9);

a rear operation unit for operating and turning on the power supply to the body (para [0047] teaches that "22" in figure 1 also operates to activate the rear system of the audio device, therefore also reading on the "rear operation unit");

a first sound output unit (10,11) for outputting sound based on sound signals from one of the sound sources;

an external electronic device (para [0057] teaches that when a DVD is inserted into DVD player "4", the rear system, which is part of the vehicular audio system, is turned on, thus reading DVD player "4" as the "external electronic device") connected with the body device and capable of turning on a power supply to the vehicular audio system;

where the body device responds to predetermined operation from at least one of the front operation unit (21), rear operation unit (22), and the external electronic device (4)

a remote operation unit (14) for operating the rear controller (3) of the acoustic device, reading on "for operating the acoustic device remotely";

a first mode, in which the sound based on the sound signals from one of the sound sources are output from the first output unit (see "front control mode" in paragraph [0051]),

and a

second mode, in which while the sound based on the sound signals from one of the sound source are being output from the first output unit (10), the sound based on the sound signals from another sound source are output from the second output unit (12,13; see para [0122]), as well as paragraph [0013]);

wherein a control unit ("23" in figure 9) for controlling the body device to set the first mode or the second mode when the power supply to the acoustic device is turned on by the front operation unit,

and controlling the body device to set the second mode and

controlling the first output unit to be in a muted state when the power supply to the vehicular audio system is turned on by the rear operation unit or external electronic device (22) (para [0122] teaches that If the rear system is turned on with the press of the rear power switch 22 in the 4-speaker state and the rear audio source is different

from the front audio source, the two rear speakers 11 are disconnected, i.e., "muted", thus implementing a 2-speaker state in which only the two front speakers 10 are connected to the front audio source).

Regarding claim 15,

Yasuhara teaches a speaker output switching unit ("92" in figure 9) for selecting at least one sound source ("82" – "85" in figure 9) for output from the first output unit ([see paragraph [0124]);

A headphone output switching unit (included in "788" in figure 9 as a function of enabling the rear unit ("3" in figure 1)) for selecting a sound source for output from the second output unit ("12" and "13" in figure 1);

A first mute circuit, as claimed (see disconnect of speaker "11", as discussed in [0122]);

A second mute circuit, as claimed (see disconnect of headphones "12"' and "13" as discussed in [0121]);

A display unit ("28" and "29" in figure 9) for displaying information;

And a microcomputer ("80" in figure 9) for controlling the body device ("88").

Regarding claim 16,

Yasuhara teaches that the microcomputer comprises:

A mode setting storage unit, comprising:

A first mode setting memory for storing a set content, *as broadly claimed*, of the first mode (see paragraph [0094]);

A second mode setting memory for storing a set content, *as broadly claimed*, of the second mode (see paragraph [0110]);

And a last information storage unit for storing, jus before the body unit is turned OFF, a sound source relating to the sound source of the last sound signals coming from the sound source that was output from the first output unit (see paragraph [0095]);

A display control unit for controlling the display unit (see buttons in Figure 5);

A control unit for controlling the microcomputer (see buttons in Figure 3);

A mute control unit for controlling the first mute circuit and second mute circuit on the basis of content of first mode and second modes (see paragraphs [0121-0122]).

Regarding claim 17,

Yasuhara teaches that when the second mode is set and the body device is turned ON in response to a power ON demand signal from the rear operation unit or external electronic control device while the body device ("88" in figure 9) is OFF, the display unit displays information regarding the sound signals coming from the sound sources set in the muted state by the first mute circuit (even in 2-speaker state, the "front" display in Figure 5 indicates the sound source of the signals, *special attention* to the teaching that in 2-speaker state, the rear speakers are muted from producing audible signals from the source which is indicated [0122].)

Regarding claim 18,

Yasuhara teaches that the muted state of speaker "11" is reversed dependent upon the sound source for the rear controller ("3" in figure 1) matching the sound source for the front unit ("2" in figure 1), interpreted as corresponding to "the muted state is releasable by the operation of the front operation unit".

Regarding claim 19,

Yasuhara teaches that the external electronic device ("4" in figure 1) is arranged on the rear side of the vehicular compartment.

Regarding claim 20,

Yasuhara teaches that the muted state of speaker "11" is reversed dependent upon the sound source for the rear controller ("3" in figure 1) matching the sound source for the front unit ("2" in figure 1), all operations being ultimately controlled by control unit ("80" in figure 9), therefore said disclosure is interpreted as corresponding to "the muted state is releasable by the control unit".

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 2, 4 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Yasuhara Pub. No. US 2003/0053638 A1** in view of the ***Applicant's Admitted Prior Art.***

Regarding claim 2,

In *paragraph [0036],* Yasuhara teaches a remote operation unit (14) for operating the rear controller (3) of the acoustic device, reading on "for operating the acoustic device remotely"; and

In **Figure 9,** Yasuhara teaches an acoustic device according to claim 1, further comprising: an external connection unit (6) for externally connecting an electronic device (4) having a remote operation unit (14), wherein the control unit (2) includes a control unit i.e., switch, for controlling the mode setting unit (22 & 23) so that the power source of the acoustic device may be turned ON in the second mode, when it detects the power ON demand signal through the external connection unit while the power source is OFF, see *paragraph [0057].*

Yasuhara does not clearly teach that the power ON demand signal may also initiate from the remote operation unit

However, the Examiner notes the Applicant's Admitted Prior Art (the unchallenged Official Notice of the last Office Action) that the initiation of an ON/OFF Power demand signal from the remote operation unit (14) is well known in the art and

would have been obvious to include for the purpose of permitting the user to activate/deactivate the rear controller from a distance.

Regarding claim 4,

In *paragraph [0042-0043]*, Yasuhara teaches an acoustic device according to claim 2, wherein the power ON demand signal obtained through the external connection unit is output from the electronic device in response to the power ON of the electronic device.

Regarding claim 6,

In *paragraph [0057]*, Yasuhara teaches an acoustic device according to claim 2, wherein the power ON demand signal obtained through the external connection unit is output from the electronic device in response to the insertion of a recording medium into the electronic device.

Response to Arguments

a. In response to Applicant's Arguments that ***Yasuhara Fails To Teach The Control Unit...Controlling The First Output Unit To Be In A Muted State When The Power Supply To The Acoustic Device Is Turned On By The Second Operation Unit:***

Applicant argues that Yasuhara fails to teach muting the first output unit when power supply is turned on by the second operation unit. The Examiner maintains that Yasuhara does in fact teach this limitation in paragraph [0122] wherein it is disclosed

that If the rear system (reading on the "acoustic device", at least in part), is turned on with the press of the rear power switch **22**, rear power switch reading on "second operation unit", while the first output unit is operating according to a 4-speaker state, and the rear audio source is different from the front audio source, then the two rear speakers **11**, of the first output unit, are disconnected, i.e., "muted", thus implementing a 2-speaker state in which only the two front speakers 10 are connected to the front audio source.

b. In response to Applicant's argument that ***Yasuhara Fails To Disclose To Control The Front Audio To Be In A Muted State:***

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., front audio) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

In fact, the claim merely recites "first output unit" which the Examiner has interpreted as reading on the front and rear output units **10,11,** while the headphone units **12,13** have been interpreted as reading on the second output unit.

c. In response to Applicant's argument that ***It Was Not Necessary For Applicants To Address The Taking Of Official Notice In The First Official Action Dated 7/26/07 And The Final Rejection Dated 1/24/08, As Is Was The***

Applicant's Position That The Examiner Failed To Establish A Prima Facie Case Of Anticipation Or Obviousness Of The Independent Claims :

This argument is not persuasive. Should the Examiner agree that the primary reference fails to teach the claimed limitations A and B of the independent claim, the failure of the primary reference does not automatically invalidate the teaching in a secondary reference (or statement of Official Notice) to disclose claimed limitations C and D.

In the instance that the Examiner agrees with an Applicant's arguments with regard to the teachings of a Primary reference(s), the Examiner shall be required to apply previously un-applied interpretation or primary reference. An Examiner's agreement will not, however, automatically necessitate the citing of a new and previously un-applied secondary reference, if said secondary reference fairly anticipates the obviousness of limitations C and D.

In this instance, the Applicant's failure to address the individual merits of the Official Action taken in the previous rejections have been interpreted as admission of valid applicability and shall not be revisited.

A complete rebuttal of the Examiner's rejection should also include arguments relating to the Official Notice Rejection, if indeed the Official Notice is held to be in error by the Applicant.

Conclusion

3. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DIONNE H. PENDLETON whose telephone number is (571)272-7497. The examiner can normally be reached on 10:30-7:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wayne Young can be reached on 571-272-7582. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Dionne H Pendleton/
Examiner, Art Unit 2627

/Wayne Young/
Supervisory Patent Examiner, Art Unit 2627